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Abstract of the Laws

RELATING TO

Inn-keepers, Tavern-keepers,
Alehouse-keepers, &c.

CONTAINING

The LAWS relating to the Sale of Beer, Ale, and
other Liquors.

The LAWS relating to the Quartering of Soldiers.

And such other LAWS as the said Persons will find
highly necessary to be well informed of.

BY A GENTLEMAN OF THE LAW.

L O N D O N :

Printed for the AUTHOR, and sold by *J. Doddsley*, Pall-
Mall; *T. Payne and Son*, Mews-Gate; *J. Sewell*,
Cornhill; *G. Kearsley*, Fleet-street; *J. Clarke*,
Portugal-street; and the other Booksellers
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MDCCLXXXII.

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A History of the Jews

BY J. H. M. J. J. J.

THE HISTORY OF THE JEWS

FROM THE EARLIEST TIMES TO THE PRESENT

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TO THE
READER.

THE Author of this short Abstract conceives, that the very Title of it will explain its Utility to the Class of People for whom it is intended : That Class is so numerous, and so are the Laws by which they are bound, that the making themselves in some Measure acquainted with those Laws, cannot but seem highly necessary.

If no particular Advantage may be expected from a Knowledge of these Laws, yet one would suppose Curiosity alone to induce a Person to lay out a small Sum in the Purchase of what relates to his own particular Business. However, certain it is, that much Satisfaction and Advantage will arise to Persons who make it their Study to inform themselves minutely of the Laws that concern
A 2 them.

4 TO THE READER.

them. They need no longer be exposed to the Snares of such artful People, who, in Order to enrich themselves, will seize every Opportunity of informing against the Publican who commits Offences, not, perhaps, designedly, but merely because he had not properly acquainted himself with what he ought to have done. To be safe from this alone must prove no small Satisfaction to the Publican; but there is still another considerable Advantage that he will experience from having this Abstract constantly in his Possession: He will at all Times know how far the Powers of the Officer will authorise him to proceed in making his Surveys, and performing the other Parts of his Duty. In short, every *Inn-keeper*, *Publican*, or other Person, affected by these Laws, must immediately see the Necessity of being acquainted with them.

There are two Things which have been aimed at in this Work. The first was to make it as short, but clear, as possible; the next was to make it of such a Price that it should be in the Power of every one to purchase it.

ALE-

A L E H O U S E S.

Of Inns and Alehouses in general.

EVERY alehouse is not an inn, nor is every inn an alehouse. If an inn uses the common selling of ale, it becomes an alehouse likewise; and, if an alehouse lodges and entertains travellers, it is also an inn.

Any person may set up an inn to lodge travellers without a licence, or other allowance for so doing.

But an inn-keeper may, by the common law, be indicted and fined for being guilty of a public nuisance, if he usually harbour thieves, or persons of a scandalous reputation, or suffer frequent disorders in his house, or take exorbitant prices, or set up an inn where there is no need of one, to the hindrance of other ancient and well governed inns, or set up one in a place which, in respect of its situation, is quite unfit for such a purpose.

If an inn uses the trade of an alehouse, it shall be within the acts made concerning alehouses.

Inn-

Inn-keepers ought to have a licence, and be bound by recognizance, as alehouse-keepers are, to keep good order.

By the commission of the peace, two Justices, of whom one is of the Quorum, may inquire of inn-holders and other persons who shall offend by the abuse of weights or measures, or in the sale of victuals, against the form of the ordinances in that behalf made.

Selling Ale without Licence.

EVERY person lawfully convicted of selling ale, beer, or other exciseable liquors by retail, without licence (except in fairs, 5 and 6 *Ed. VI. c. 25.* 3 *Car. c. 3.* 26 *Geo. II. c. 31.* and except retailers of spirituous liquors without licence, for whom other penalties are by law provided, 9 *Geo. III. c. 6.*) shall for every offence be subject to the penalties and punishments herein after mentioned, in the room of other pecuniary and corporal punishments which they are subject to by any laws now in force; namely, for the first offence 40s. and also the costs and expences of convicting the offender; and, if the penalty is not paid within 14 days after conviction, the offender shall be imprisoned for one month, or till he pays the penalty, together with the costs and other expences attending his conviction and putting the same into execution.

For the second offence, he shall pay 4*l.* and also the costs and expences of conviction, and if the penalty is not paid within one week after conviction, he shall be imprisoned two months, or till the penalty shall be paid, together with the costs
and

and charges of such second conviction and executing the same.

For the third offence, he shall pay 6*l.* and also the costs and expences of conviction, and if the penalty be not paid within three days after conviction, he shall be imprisoned for three months, or till the penalty shall be paid, together with the costs and expences attending such third conviction and executing the same. And for every offence after the third, the offender shall pay the same penalty as for the third offence. The costs and expences to be settled by the Justice before whom the offender is convicted. One half of the penalties and forfeitures shall go to the King, and the other half, with the costs, charges and expences, to the person that prosecutes. 5 *Geo. III. c. 46. s. 22.*

The information may be laid before and heard and determined by one Justice, who shall summon the person accused, and likewise the witnesses on either side (if he shall be required to summon any) and upon appearance of the person accused, or if he neglect to appear, the Justice shall proceed to hear the matter, and examine the witnesses on oath, and give their decision accordingly. And if the person accused is convicted and shall refuse to pay the penalty within the time above-mentioned, together with the costs and other expences, the Justice shall issue his warrant for apprehending and committing to prison every such offender, for such time, and in such manner, as the nature of the offence shall require. *Id. s. 23.*

The number of witnesses necessary to convict an offender not being specified by this act, it remains as before, according to the act of 3 *Car.*

c. 3. which directed the conviction to be by confession of the person himself, or the oath of two witnesses.

Where any Justice shall suspect a person of selling without licence, he may summon such person to come before him, and also the Officer of Excise or Gager to produce his stock-book, or other account of the charge and survey of the person suspected, and may examine the Officer upon oath, to know in what manner he has charged, and how such person has paid, the duties; and if it shall appear by such stock-book or account, or by the oath of the Officer, that such person has been surveyed as a victualler or retailer, and has been charged with the same duties as are paid by victuallers and retailers, without being intitled to the allowance or abatement made to common brewers, he shall be deemed an alehouse-keeper, victualler, retailer, or seller of such liquors. 26 Geo. II. c. 31. s. 9.

If any person, summoned to appear as a witness, shall neglect or refuse to appear at the time and place appointed, without a sufficient excuse to be allowed by the Justice; or, when he appears, if he shall refuse to be examined on oath and give evidence; he shall forfeit twenty shillings, to be levied in the same manner as before directed. 5 Geo. III. c. 46. s. 24. This penalty being so small, the object of the act might be defeated; for by the witness's paying only 20s. the offender might have it in his power to avoid the payment of the penalties above-mentioned, namely, 2*l.* 4*l.* and 6*l.* besides costs and other expences. But in the act of 26 Geo. II. c. 31. it is directed, that if any person, summoned to give evidence in such case, shall refuse to appear, or, when appearing, shall
refuse

refuse to give evidence, upon oath, he shall forfeit 10*l*.

If any person shall think himself aggrieved by the decision of a Justice, and shall give such security as the said Justice shall require for payment of the penalty, costs and expences, expressed in the Warrant of Distress, he may appeal to the next Quarter-Sessions, unless such Sessions shall be held within six days after his conviction, and then it shall be to the Sessions after. And, if the appeal shall be considered by the Sessions as frivolous and vexatious, the person who appeals shall pay costs, not exceeding 5*l*. 5 *Geo. III. c. 46. s. 25*. There appears to be a mistake in stating that the costs are to be expressed in the *Warrant of Distress*; because no power of distress is given. The meaning seems to have been, that the costs and expences should be expressed in the *Conviction*, as is specified in the form prescribed by the act.

Persons who shall brew ale or beer to sell in fairs must give notice to the Gaugers, who are to survey the same; for, though they are excused from taking out a licence, they must notwithstanding pay the duties of Excise. And this indulgence does not seem to be intended farther than where the common fair is held; and not to any private house, which may be within the limits of the town where such fair is kept, and particularly where there are a sufficient number of alehouses licenced already.

If any person shall either sell or deliver beer or ale to any person who shall at that time sell beer or ale not having a licence (except for the use of his family) he shall forfeit for every barrel 6*s*. 8*d*. and so in proportion for other quantities; half to

the poor, and half to him that shall sue at the Sessions by action of debt, information, indictment, or presentment.

Licencing Alehouses.

BY 5 and 6 of *Edward VI. c. 25.* any two Justices, of whom one shall be of the Quorum, might licence alehouses; but by 2 *Geo. II. c. 28.* and 26 *Geo. II. c. 31.* it is enacted, that, by reason of the many inconveniencies that had arisen from persons being licensed to keep inns and common alehouses, by Justices, who, living at a distance from them, could not be truly informed as to the necessity there was of setting up such inns or alehouses, nor of the persons characters who wanted licences for the same; that therefore no licence shall be granted to any person to keep a common inn or alehouse, but at a general meeting of the Justices acting in the division where the said person lives: which meeting shall be held for that business only on the first of September in every year, or within 20 days after, and at no other time. This, however, does not alter the power or the time of granting licences in cities and towns corporate. 2 *Gen. II. c. 28. f. 11, 12.* 26 *Geo. II. c. 31. f. 4, 16.*

It has been determined, that houses at Epsom, where they take in lodgers and boarders, who come to drink the waters during the season, and dress their victuals, and sell them ale or beer, and keep their horses for 8*d.* a day, but do not sell to any other

L I C E N C E.

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other persons, are not inns nor alehouses within the meaning of these acts.

It has been determined by the Justices, that it is not necessary to set forth specially in the licence, that it was granted at a general meeting of the Justices held for the division, and therefore a conviction for keeping an alehouse without such licence is not good upon the evidence of the licence only, but there must be other evidence.

And the day and place for granting licences shall be fixed by two or more Justices for the division, by warrant under their hands and seals, at least ten days before they meet: which warrant shall be directed to the High Constables, requiring them to order their petty Constables, or other Peace Officers to give notice to the several inn-keepers and alehouse-keepers within their respective divisions of the day and place of such meeting. And all licences granted at any other time or place shall be void. *26 Geo. II. c. 31. s. 4.*

No licence shall be granted to a person who was not licenced the year before (except in cities or towns corporate) unless he produce a certificate signed by the Minister and the major part of the Church-wardens and Overseers, or else of three or four reputable and substantial house-keepers of the place he lives in, setting forth that he is a person of good fame, and of sober life and conversation; and it shall be mentioned in such licence, that such certificate was produced, or the licence shall be void. *Id. s. 2, 16.*

In cities and towns corporate such certificate is not necessary, because the character of those who intend to be licenced are supposed to be well known to the Justices.

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But, though the act does not require a certificate in such places, yet the Justices may refuse to grant a licence to whomsoever they please, and they cannot be compelled to grant it. And, if a person is convicted for selling without licence, it is sufficient that he had none, without inquiring why it was refused him.

An action was brought by one Henry Day of Eversley, in Wiltshire, against two Justices for arbitrarily, obstinately, and unreasonably, refusing to grant him a licence to keep an inn. The Justices pleaded, that the Legislature had made them the sole Judges, because, as they lived upon the spot, they knew best who were fit and who were not, to have licences. And that the Justices, so intrusted, had a right to judge for themselves. That the power had been placed in them by the Constitution. That it might be very dangerous if they were obliged to give their reasons publicly, though they might have very good reasons to satisfy their own minds, and to direct their judgments: and the Justices urged other reasons in their defence. Lord Mansfield said, the Courts were not authorized to search into the reasons of the Justices refusing to grant licences; but if it appeared fully, that they had been partially, maliciously, or corruptly influenced in the exercise of their power, and have therefore abused it, they are liable to be prosecuted by information or indictment, or perhaps by action, if the malice be very great and injurious. If their judgment is wrong, but their hearts and intentions pure, God forbid they should be punished. And he declared, that he should always lean in their favour, unless it should plainly appear they had acted partially, corruptly, or maliciously.

ciously. When he had gone through the evidence on both sides, he declared it to be his opinion that there was not a sufficient ground for a criminal charge against the Justices : and the Court unanimously discharged the rule with costs.

E. 2. Geo. III. K. v. Williams and Davis.—An information was granted against the defendants, who were Justices of the Peace for Penryn, for having refused to grant licences to such alehouse-keepers as voted against the candidates whom the said Justices had recommended to represent the Borough of Penryn in Parliament. It was proved, that the Justices had acted scandalously in this business, having threatened to ruin the alehouse-keepers, by not granting them licences, if they did not vote as they were desired, and having afterwards put these threats in execution. Lord Mansfield declared, that the information against the Justices was granted, not merely because they refused to grant the licences, which they had a discretion to do, if they thought proper, but for the reasons alledged for such refusal.

7. 5 Geo. III. K. v. Hann and Price, who were Justices of the Peace for the Borough of Corfe-Castle.—An information was laid against them for refusing to grant a licence to one Ingram to sell ale. Ingram was an Inn-keeper in the Borough, and the licence was refused him, only because he had voted at an election in opposition to the Justices. The Justices pleaded in their defence, that they had not acted from resentment, but because Ingram had kept a disorderly house, and continued it, after notice had been given him not to do it; and, aboveall, that he encouraged cock-fighting and gaming in his house, and that he was there-

therefore an improper person to have a licence. Lord Mansfield said, if it should appear that Ingram had really kept a disorderly house, it would be wrong in the Court to interfere in what the Justices had done. But, as that did not appear, the Justices had not in a satisfactory manner answered the charge against them: and Lord Mansfield said it was a dangerous thing to suffer the discretion of the Justices to be thus influenced. Upon which the Court thought it a proper case for an information, and made the rule absolute.

The Justices afterwards confessing themselves guilty, a rule was moved to dispense with their appearance in person, on their Clerk's in Court undertaking to answer for their fines. But the Court, upon full debate were unanimous in refusing the motion. And they were led to do this for example's sake; for the circumstance of the Court's obliging those Justices to make a personal appearance might deter others from committing the like offences. And, when the Justices came to appear in Court, that they should be committed for one month, be fined 50*l.* each, and imprisoned till the fine was paid.

No Justice of the Peace, who is a common brewer of ale or beer, or an inn-keeper, distiller, or feller of, or dealer in, ale or spirituous liquors, or who is any ways concerned in either of the said trades, or is a victualler, or maltster, shall have any power to grant licences for selling any kind of liquors, but the licences granted by them shall be void. 26 *Geo. II. c. 13.*

All Mayors, Town-clerks, or other persons whom it may concern, shall make out ale-licences
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duly stamped, before the recognizance be taken, on pain of forfeiting 10*l.* half to the King, and half to him that prosecutes, with costs. 6 *Geo. c.* 21. *f.* 5, 6. 1 *Ann. St. II. c.* 22. *f.* 6.

And, if any person shall write a licence except upon such stamp, he shall forfeit 10*l.* with costs, to be recovered in the same way as the stamp-penalties, and the licence shall be void till the duty is paid, and likewise the penalty of 5*l.* 29 *Geo. II. c.* 12. *f.* 20.

No person shall retail any distilled spirituous liquors or strong waters without a licence from the Officer of Excise, taken out 10 days before he begins to sell, for which he shall pay forty shillings every year. 16 *Geo. II. c.* 8. 24 *Geo. II. c.* 40. *f.* 9.

Nor shall such a licence be granted to any person who has not already obtained a licence from two or more Justices of the Peace to sell ale or spirituous liquors. 2 *Geo. II. c.* 28. *f.* 11. 9 *Geo. II. c.* 23. *f.* 14. 16 *Geo. II. c.* 8. *f.* 11. 29 *Geo. II. c.* 23. *f.* 12. *f.* 22.

And 2*s.* 6*d.* and no more shall be paid as a fee for every such licence to the Justice's Clerk. 9 *Geo. f.* 14. 24 *Geo. II. c.* 40. *f.* 28, 29.

It is to be observed here, that a double licence is required for retailing of spirituous liquors; first, a licence from the Justice to sell either ale, or spirituous liquors; and then a licence from the Officers of Excise to sell spirituous liquors only.

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Licence for retailing beer and ale in England

1*s.*—additional 20*s.*

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For

	<i>l.</i>	<i>s.</i>
For wine (if the person selling it be not licensed to sell other liquors) 4 <i>s.</i> —additional 5 <i>l.</i>	5	4
For wine (if the seller has already a licence for ale only) 4 <i>s.</i> additional 4 <i>l.</i>	4	4
For wine (if the seller has already a licence to sell ale and spirituous liquors) 4 <i>s.</i> additional 2 <i>l.</i>	2	4

No person shall sell made wines without a licence from two Justices, for which 2*s.* 6*d.* shall be paid to the Justice's Clerk. And no such licence shall be granted but to victuallers, inn-keepers, keepers of coffee-houses, and alehouse keepers. 10 *Geo.* II. *c.* 17. *f.* 10, 11.

The duties imposed upon wine-licences, by 30 *Geo.* II. *c.* 19, shall extend to licences for retailing sweets or made wines.

Recognizance and Forfeiture thereof.

PERSONS, taking out a licence to keep a common alehouse or tippling-house, shall enter into a recognizance in 10*l.* with two sureties in 5*l.* each, or one alone for the whole sum of 10*l.* not to suffer unlawful games, and for the preservation of good order in his house; and, if such person shall be prevented by sickness, or other good cause, to be allowed of by the Justices, from attending himself, the licence may be granted on two sureties entering into a recognizance in 10*l.* each. 5 and 6 *Ed. VI. c. 25. s. 1.* 26 *Geo. II. c. 31. s. 1.*

As it is left to the discretion of the Justices to lay down to alehouse-keepers and others such rules and orders to be observed by them, for the maintenance of good behaviour in their houses, the Justices have in some places agreed upon certain articles, which they propose to common sellers of ale, to be observed by them, and whom they oblige to give bond for the observance thereof. And the Justices used to order a copy of these articles to be delivered to every person who took out a licence. Amongst these articles, it was recommended to the Justices, that no alehouse-keeper should receive as their guests any person to tipple, eat or drink, except travellers, or such as came upon necessary business. Secondly, that they suffered no persons whatever, who came to their houses only to eat and drink, to remain there later than 9 in the evening in winter, and 10 in summer. Thirdly, that no person, coming to their houses only to eat
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and drink, should be suffered to remain tippling above one hour, except travellers.

The above recognizance, with the condition thereof, fairly written or printed, shall forthwith, or at the next Sessions at farthest, be returned to the Clerk of the Peace, under the hands of the Justices, to be by him entered and filed amongst the records. *26 Geo. II. c. 31. f. 1.*

For every licence granted without taking such recognizance, and, for every recognizance taken and not returned to the Clerk of the Peace, the Justice who signed the licence shall forfeit *3l. 6s. 8d.* 5 and 6 *Ed. VI. c. 25. f. 2.* *26 Geo. II. c. 31. f. 1.* Which forfeiture for granting licences without taking recognizance, shall go to him that shall sue, together with costs. *26 Geo. II. c. 31. f. 6.* But it is not said who is to have the penalty for not returning the recognizance to the Clerk of the Peace, which therefore goes to the King.

The Clerk of the Peace is to keep a register of all such recognizances, and shall deliver a copy thereof to the Justices at their meeting for the purpose of granting licences. *26 Geo. II. c. 31. f. 5.*

The persons obtaining licences are to pay to the Justice's Clerk, over and above the fee just mentioned, for making out the licence, one shilling for filing and recording the same and delivering copies as aforesaid. *26 Geo. II. c. 31. f. 5.*

The Justices, at their Quarter-Sessions, shall have power at their discretion to inquire of alehouse-keepers and others who have been informed against, if they have done any thing whereby their recognizance is forfeited; and, upon such presentment or information, shall award process against the person

son complained against, to shew why he should not forfeit his recognizance; and the Justices shall have power to hear and determine the same in such manner as they shall think fit. 5 and 6 *Ed. VI. c. 25. f. 3.*

And any Justice, on complaint or information, that such licenced person hath committed any act, by which, in his opinion, the recognizance is forfeited or the condition broken, may, by summons under his hand and seal, require the person to appear at the General or Quarter Session, then and there to answer to the matter of such complaint; and may also bind the person who lays the information, or any other person, to appear and give evidence; and the Justices may direct the Jury who attend for the trial of traverses, or some other Jury of twelve honest and substantial men, to inquire thereof. And if the Jury shall find that such person has committed any act, whereby the recognizance is broken, such act being set forth in the complaint or information, the Court may adjudge him guilty, and the verdict shall be final. Whereupon the Court shall order the recognizance to be estreated into the Exchequer and levied to his Majesty's use; and the offender shall be disabled from selling any ale or other liquor for the space of three years; and any licence granted him, during such term, shall be void. 26 *Geo. II. c. 31. f. 7.* It is, however, in the power of the Justices, at the request of the prosecutor, or of the party complained against, or of either of his sureties, to adjourn the trial to the next Sessions. *Id. f. 8.*

And if any person shall be disabled from selling ale, beer, cyder, or perry, he shall, by the same

conviction, be disabled from selling any spirituous liquors, notwithstanding any licence he may before have obtained for that purpose : and, if he shall sell any liquors during the said three years, he shall suffer the same penalty as for selling without licence. And a certificate from the Clerk of the Peace (which shall be granted without fee) of such conviction, shall be legal evidence. *Id. f. 11.* And the said conviction shall be certified to the next Sessions, to be filed amongst the records. *Id. f. 13.*

To what Places the Licence shall extend.

NO licence shall serve for any other place than that for which it was first granted. 26 *Geo. II. c. 31. f. 3.*

If any licenced person shall die or remove out of his house, his executors, administrators, or assigns, or whoever shall occupy the house, may carry it on for the remainder of the term without any new licence. 26 *Geo. II. c. 31. f. 3,* 29 *Geo. II. c. 12. f. 23.*

If any alehouse or victualling-house shall become empty or unoccupied after the general day for granting licences, (the occupier whereof was duly licenced the year before) two Justices, at a petty Session, may grant a licence to any new tenant or occupier till the next general licencing-day, having first obtained of him a certificate as above-mentioned. 29 *Geo. II. c. 12. f. 24.* That is, it should seem, by the removal of a former tenant; for in many places the tenants change their habitations, not in September when the licence is required
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to be granted, but at some future day, such as May-day, or Whitsuntide. In this case, when the tenant, who intends to remove, hath not taken out a licence for that year, the person who succeeds him may obtain a licence until the next general day for granting licences, by applying to two Justices at a petty Sessions, and making it appear to them by certificate, that he is qualified to have such licence, and making it likewise appear, that the house is a proper house to be licensed, and was licensed the year before.

The licence, granted at the general day for licensing, shall be made for one year only, to commence on the 29th of Sept. 26 *Geo. II. c. 31. s. 4.*

Offences in brewing Ale.

NO common brewer, or retailer of beer or ale, shall use in the brewing or working thereof any melasses, coarse sugar, honey, or composition or extract of sugar, on pain of forfeiting the liquor when brewed, and the sum of 100*l.* half to the King, and half to the informer who shall lay the information within six months. 1 *Will. Sess. I. c. 24. s. 17.*

And if any common brewer, or retailer of beer or ale, shall receive into his custody any quantity of the above materials, exceeding ten pounds in weight, he shall forfeit 100*l.* to be recovered and mitigated by the laws of Excise. And the servant, or other person assisting therein, shall forfeit 20*l.* in like manner, and in default of payment be imprisoned for three months. 10 and 11 *Will. c. 21. s. 34.*

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No common brewer, inn-keeper or victualler, shall use any broom, wormwood, or other bitter ingredient, to serve instead of hops, in any beer or ale intended to be sold (except infusing the same after it is brewed and tunned to make broom or wormwood ale or beer) on pain of forfeiting 20*l.* half to the King and half to the prosecutor, to be levied as by the laws of Excise. 9 *Ann. c.* 12. *f.* 24, 26.

No common brewer, or retailer of beer or ale, shall use any sugar, honey, foreign grains, Guinea pepper, *Essentia bina*, *Coccus Indiæ*, or any unwholesome ingredients in the brewing of beer or ale, or mix any of the said articles therewith, on pain of forfeiting 20*l.* to be recovered and mitigated as by the laws of Excise, half to the King and half to him that shall inform. 12 *Ann. St. 1. c. 2. f.* 32.

Inn-keepers obliged to receive Guests.

IF any person who keeps a common inn refuse either to receive a traveller as a guest into his house, or to furnish him with victuals or lodging, upon being offered a reasonable price for the same, he is not only liable to render damages for the injury by an action, at the suit of the person aggrieved, but may also be indicted and fined at the suit of the King.

And it is said, he may be compelled by the Constable of the place, or a Justice of the Peace, to entertain such a person as his guest; and that it is of no consequence whether he has a sign to his house or not, if he makes it his common business to accommodate travellers. But it is not certain how

how the Officer may oblige him, who, it appears, can do no more than either cause such alehouse to be suppressed, or else present the offence at the Assizes or Sessions, so that the offender may be indicted thereupon.

Of Ale Vessels and the Measure of Ale.

THE Justices, and in corporation-towns the Mayors, Bailiffs, or other Chief Officers, shall every year, in the Easter Sessions, rate the price of all barrels, kilderkins, firkins, and other vessels in which beer or ale is to be sold. And, if any cooper refuses to sell the same according to such rate, he shall forfeit 3s. 4d. half to the King, and half to him that shall inform. 8 *Eliz. c. 9.*

Every barrel of beer, within the bills of mortality, shall contain 36 gallons, and a barrel of ale 32, and in all other places 34 gallons shall be reckoned a barrel of ale or beer. 12 *Car. II. c. 24. s. 34.* 1 *Will. St. 1. c. 24. s. 5.*

Inn-keepers, alehouse-keepers, futlers, victualers, and other retailers of ale or beer, shall retail the same at their houses, by a full ale quart or ale pint, according to the standard in the Exchequer, in vessels or pots made of wood, earth, glass, horn, leather, pewter, or some other good and wholesome metal, made and sized according to the standard, and signed, stamped, or marked to be of the contents of the said ale quart or ale pint, either from the Exchequer, or from some city, town-corporate, borough, or market-town, where an ale quart and pint made from the standard in the Exchequer shall be kept for a standard. And no ale or beer shall

shall be retailed in any vessels or pots not stamped, on pain of forfeiting, for every offence, not more than 40s. nor less than 10s. half to the poor and half to him that shall prosecute or sue for the same: to be recovered before one Justice, upon the oath of one witness, and to be levied by distress, giving the overplus to the offender, after deducting the reasonable charges. 11 and 12 Will. c. 15. s. 1, 6. The prosecution must be within 30 days.

It is not necessary, however, that beer or ale sent out of the house, should be sent in standard measures, but only that it be measured in them.

The Mayor or Chief Officer of every city, town-corporate, borough, or market-town, shall, on request made to him, order all ale quarts and pints, made of any of the articles above-mentioned, that shall be brought to him, to be measured and sized by the standard in his custody, and shall then cause the same to be plainly and apparently signed, stamped, and marked with the letters W. R. and a Crown, for which they shall demand no more than one farthing for each measure, on pain of forfeiting 5*l.* to be recovered as aforesaid. And he shall likewise pay to the party aggrieved treble damages with costs, to be recovered by action at law. 11 and 12 Will. c. 15. s. 5.

Formerly the Sub-ommissioners or Collectors of Excise were to procure standard quarts and pints out of the Exchequer for the use of every market-town, but this custom ceased in the year 1700.

Though the act prescribes another mode of proceeding against persons who sell ale in pots unsealed, yet an indictment will lie for the offence. In which case it must be grounded on the common

mon law, and not on the statute; and must be laid, not for selling in pots unsealed, but in pots wanting measure.

If a brewer conspire to raise his beer above certain prices, he shall, on conviction at the Sessions by witness, confession, or otherwise, forfeit 10*l.* to the King for the first offence, and, if the penalty be not paid within six days, he shall be imprisoned twenty days. For the second offence he shall forfeit 20*l.* in like manner, or stand in the pillory. For the third offence 40*l.* in the same manner or stand in the pillory, lose an ear, and become infamous. But by the act of 2 *Geo. III. c. 14.* no brewer or retailer of beer or ale shall be punished for raising the price of strong beer or ale in a reasonable degree.

If any inn-keeper, victualler, or alehouse-keeper, shall have in his possession any hare, pheasant, partridge, moor, heath-game, or grouse, or shall buy, sell, or offer to sell any of the same, unless such game be sent by a person qualified to kill it, he shall forfeit 5*l.* and in default of payment be committed to the house of correction for three months. The offender to be convicted within three months after the offence was committed. 5 *Ann. c. 14. s. 2.*

If any person licenced to settle any sort of spirituous liquors or who shall sell or suffer the same to be sold in his house, or any place belonging thereto, shall knowingly suffer any gaming with cards, dice, shuffle-boards, Mississippi or billiard-tables, skittles, nine-pines, or with any other implement of gaming, by any journeyman, labourer, servant, or apprentice, and shall be convicted thereof by confession,

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or the oath of one witness, before a Justice, within six days after the offence was committed, he shall forfeit for the first offence 40s. and for every offence after 10l. to be levied by distress, three fourths of which sum shall go to the poor, and one fourth to the informer. 30 Geo. II. c. 24. s. 14.

If an alehouse-keeper harbours any person who, upon a process of arrest being issued against him for an offence against the laws of the Customs or Excise, hath absconded, after six days notice thereof having been given in two succeeding Gazettes, and a writing fixed upon the door of the parish Church, where he last resided, such alehouse-keeper shall forfeit 100l. and no licence shall be granted him afterwards, 9 Geo. II. c. 35. s. 30, 31.

Suffering

Suffering Persons to tipple.

IF an inn-keeper, alehouse-keeper or other person shall suffer their customers to continue drinking or tippling in his house (except such as are invited by a traveller, with whom they may remain while he stays there; and except labouring and manufacturing men in cities, towns-corporate, and market-towns, upon their usual working days, for an hour at dinner-time; and also except such labourers and other workmen, who, for the sake of convenience in following their work, shall lodge in the town or place where they are at work, and victual there, and except on other occasions of necessity, to be allowed by two Justices) the offender, on being convicted before the Mayor or Justice of the Peace, on view, confession, or on the oath of one witness, shall forfeit 10s. for the use of the poor. 1 James c. 9. s. 2. 1 Car. c. 4. 21 Jas. c. 7. The penalty to be levied by the Constables or Church-wardens by way of distress; and in default of satisfaction in six days, the goods shall be appraised and sold, giving the overplus to the offender; and, if there shall not be goods sufficient to pay the penalty, the offender shall be committed to the common gaol, and remain there till it be fully paid.

1 James c. 9. s. 3.

And, besides the above penalty, the offender shall be disabled, for the space of three years, to keep an alehouse. 21 Jas. c. 7.

And the said offence may be inquired of and presented before Justices of Assize, Justices of the

Peace in their Sessions, Mayors of corporations, and thereupon such proceeding shall be had for convicting the offender as in any indictment or presentment for like offences. 4 *Jas. c. 5. s. 5.*

All Constables, Church-wardens, Aleconners and Sidemen, shall be charged, in their oaths of office, to present the said offences. *Id. s. 7.*

If an alehouse-keeper shall be convicted of tippling, he shall be disabled from keeping an alehouse, for the space of three years. 7 *Jas. c. 10. 21 Jas. c. 7.*

And if any alehouse-keeper, inn-keeper, or other person, shall suffer any one who resides in the city, town-corporate, market-town, village or hamlet, where such inn, tippling-house, or alehouse shall be, to continue drinking or tippling therein as afore-said, he shall be disabled to keep an alehouse for the space of three years. 21 *Jas. c. 7. s. 4.*

If an alehouse-keeper shall be convicted of drunkenness, before one Justice or Mayor in view, or upon his own confession, or by the oath of one witness, he shall, for the first offence, forfeit 5*s.* to be paid within one week after conviction to the Church-wardens, for the use of the poor; and, if he shall refuse to pay the same, his goods shall be distrained: and, if they shall not answer the distress, he shall be put in the stocks for six hours. 4 *Jas. c. 5. s. 2.* 21 *Jas. c. 7. s. 1, 3.*

For the second offence, such person shall also be bound, with two sureties, in the sum of 10*l.* for his good behaviour afterwards. 4 *Jas. c. 5. s. 6.* 21 *Jas. c. 7. s. 3.*

And the above offences may also be inquired of and presented before the Justices of Assize, Justices

tices of the Peace in their Sessions, Mayors, and in the Court-Leet; and thereupon process shall be had for the conviction, as upon indictment or presentment. 4 *Jas. c. 5. f. 5.*

But the offender shall be presented, indicted, or convicted, within six months from the time he was found drunk. *Id. f. 11.*

This act does not abridge the Ecclesiastical Jurisdiction. *Id. f. 8.*

The offender shall not be punished in more ways than one for the same offence. *Id. f. 9.*

And besides the above penalties for being drunk, the alehouse-keeper shall be disabled from keeping an alehouse again for the space of three years. 7 *Jas. c. 10. 1 Car. c. 4.*

Detaining Goods for the Reckoning.

AN inn-keeper may detain his guest if he eats or drinks, and likewise the horse if it does the same, till the reckoning is paid. And this he may do without any agreement; for it would be hard to oblige the inn-keeper to go to law for every little debt contracted by guests whom he had never seen before perhaps, nor would ever see afterwards.

But an inn-keeper may not detain a horse to pay for what his master eat, nor for what another horse eat, but for what was eat by that horse only.

If an inn-keeper, alehouse-keeper, or other person, in giving any account or reckoning in writing, or otherwise, shall refuse to give in the number of quarts or pints that have been drank; or if he

he shall sell his liquor in measures unmarked, it shall not be lawful for him, in default of payment for such reckoning, to detain any thing belonging to the person from whom such reckoning shall be due, but he shall be left to his action at law for the same.

11 and 12 Will. c. 15. s. 2.

If an inn-keeper gives his guest credit, and lets him go without paying, he must be contented with a promise of being paid at some future time.

An inn-keeper who detains a horse must not use him, because he detains him as in custody of the law, and in the nature of a distress.

By the custom of London and Exeter, if a man puts up his horse at an inn, and he eats out his value, the inn-keeper may take him as his own, upon the reasonable appraisement of four of his neighbours. But, by the general custom of the realm, an inn-keeper hath no power to sell a horse.

An action was brought against an inn-keeper at Glastenbury, for detaining and selling three horses, which belonged to a carrier who had put them up there; the inn-keeper pleaded in his defence, that 36^d was due to him for their keep, which was more than they were worth, and he therefore sold them. It was determined, however, against him, because no inn-keeper had a power to sell horses, except by special custom, as in London and Exeter. And besides, when the horses had been once out, there was no power even of detaining them, when they returned.

Goods

Goods stolen from an Inn.

A S inns were allowed for the benefit of travellers, who have certain privileges secured to them while on their journey, and are particularly protected by the law; inn-keepers are answerable for things stolen out of the inn, though they were not delivered into their care, nor even though they knew nothing of their being in the house; for the loss of them shall be attributed to the negligence of the inn-keeper, or to that of his servants.

And, if the horse of the guest be turned out without his direction, and stolen, the inn-keeper shall be answerable. But not so if he was ordered to be turned out.

If a guest lose things out of his room, the inn-keeper shall be answerable, even though he told the guest that he would not take charge of them; because the law makes him liable for every thing that is brought into his house.

It was doubted whether a man, who puts his horse up at an inn, though he does not go in himself, is a guest. It was, however, determined that he is, because the leaving his horse was the same as being there himself. The inn-keeper had a profit by what the horse eat, but it would be otherwise if a trunk, or some other dead thing, was left.

A man went to an inn with a hamper in which were a parcel of hats, and which he left with the landlord. The hamper, however, was stolen, and, two days after, the man returned. But the inn-keeper was not accountable for the loss, because the man was not his guest at the time it was stolen,

stolen, and because he had no benefit by keeping the hats.

If an Attorney hires a chamber in an inn for a whole term, the landlord is not accountable for any robbery, because the Attorney is, as it were, a lessee.

If a person comes to an inn, and agrees to lodge for a certain time, but neither eats nor drinks there, he is no guest, but a lodger, and therefore not under the inn-keeper's protection. But, if he either eats, drinks, or pays for his diet there, the case is otherwise.

Soldiers, wherever they are billeted, are deemed guests.

A guest in a common inn, getting up in the night-time, and carrying goods from his chamber to another room, and from thence to the stable, intending to ride away with them, is guilty of felony.

The acts concerning alehouses do not in general extend to the Universities.

Duties

Duties on Ale, Cyder, Perry, &c.

FOR every barrel of beer or ale imported, the importer shall pay 18s.

For every barrel of beer or ale above 6s. a barrel, brewed by the common brewer, or any other person who shall sell or tap out beer or ale, the sum of 8s. and for every barrel sold at 6s. or under, the sum of 1s. 4d.

For every tun of cyder or perry imported, shall be paid 22l. 10s. and if imported by foreigners 30s. more.

By six different acts, there shall be paid by the retailer, for every hogshead of cyder or perry, made in Great Britain, and sold by retail, the sum of 6s. 8d. and by 12 *Ann. St. 1. c. 2.* four shillings more shall be paid by the first buyer or retailer. And by 1 *Geo. III. c. 3.* four shillings more, over and above all the other duties. And by 6 *Geo. III. c. 14.* six shillings more.

For every hogshead of cyder or perry sent to any Factor or Agent, for him to dispose of or sell again, such Factor or Agent shall pay 16s. 8d. 6 *Geo. III. c. 14. s. 4.*

Whoever receives into his possession any cyder or perry, in order to sell the same, shall be deemed a Factor or Agent, unless he prove that such cyder or perry was made from fruit of his own growth, and not from bought fruit; or except he shall make it appear by certificate of the Officer of Ex-

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cise that the duties have been charged upon the same. *Id.* f. 5.

But if any cyder or perry shall be received by a Factor or Agent, or a dealer or retailer, and it shall appear by certificate, that the duties have been charged, the aforesaid duties shall not be charged upon the same. *Id.* f. 6.

And if any Factor or Agent shall, during the continuance of the present malt-act, pay the duty of 4s. a hoghead chargeable on him as the receiver thereof, the said 4s. shall be deducted from the 16s. 8d. above-mentioned. *Id.* f. 7.

And such Factor or Agent shall, three days before he begin to dispose of any cyder or perry, make entry in writing at the next office of Excise of his name, and the place where such cyder or perry is to be kept. And if he makes use of any place without entering it, he shall forfeit 50l. and every Factor or Agent shall be liable to all the regulations to which the dealers in and retailers of cyder and perry are liable by this or any other act now in force, respecting the duties on cyder and perry. *Id.* f. 9.

And for every hoghead of cyder or perry made or sold in Great Britain, by any dealer in or retailer of the same, from fruit of his own growth, he shall pay a duty of 6s. a hoghead. *Id.* f. 10.

Persons buying cyder or perry, or any fruit to make them of, who shall sell the same by the hoghead, or any greater or less quantity; or if the fruit was of their own growth; shall be considered as dealers in or retailers of cyder or perry. *Id.* f. 11.

Provided nevertheless, that when a dealer in, or retailer of cyder or perry, made from fruit of his own growth, shall sell the same to any other dealer or retailer,

retailer, who shall buy in order to sell it again, such purchaser, receiving the same with a proper certificate of the duties having been paid, shall not be charged with the said additional duty of 6s. a hog-head, imposed by this act on cyder and perry sold by retail. And if the cyder or perry, made by such dealer or retailer from fruit of his own growth, shall be sold by the maker thereof in a less quantity than 20 gallons at a time, such dealer or retailer shall not be charged with the said additional duties. *Id. f. 12.*

Every dealer in, or retailer of cyder or perry, made from fruit of his own growth, shall be liable to all the regulations which any other dealer in, or retailer of cyder and perry, is liable to by any act imposing duties on cyder and perry. *Id. f. 13.*

And in order to prevent any disputes that may arise concerning the duty on cyder and perry made in Great Britain, it is declared that neither of the said liquors shall pay or be charged with more than 16s. 8d. a hoghead. *Id. f. 14. and 10 Geo. III. c. 2. f. 22.*

And whereas frauds are sometimes committed by sending the cyder or perry immediately from the maker to the persons buying the same of the dealer and retailer, and the Factor and Agent, so that they evade the duties by never having the liquors in their possession, it is therefore enacted, that if any dealer, retailer, Factor, or Agent, shall cause the cyder or perry sold by them to be sent directly from the maker's, without the duty having been first charged, and a certificate granted by the Officer of Excise (which shall be given without fee) signifying the quantity, and number of casks or other packages, and that the duty has been charged, the dealer, retailer, Factor or Agent, shall forfeit 50*l.* *Id. f. 15.* Provided

Provided always, that the said duties shall be drawn back on being distilled into low wines and spirits. And if such cyder and perry, having paid the duties, shall afterwards, by being unfit to sell for cyder or perry, be charged with the duties on vinegar, three Commissioners of Excise or two Justices, on proof thereof, shall discharge the duties thereon imposed by this act. *Id. s. 16.*

No common brewer, inn-keeper, victualler, or other retailer of beer or ale, shall, without first giving notice at the next office of Excise, or to the Commissioners or Sub-commissioners, nor one of them, erect, alter, or enlarge, any tun, vat, back, cooler, or copper, and use the same in brewing or making any beer, ale, or worts, on pain of forfeiting 50*l.* and every other person who shall occupy any house, out-house, or other place, in which any of the above shall be found, shall forfeit 50*l.*: and the said vessels, together with the beer, ale, or worts, found therein, shall be forfeited. *15 Car. II. c. 1. s. 1.*

If any common brewer shall alter the position of any tun, batch, float, cooler, or copper, after it hath been set up and fixed, without first giving notice thereof in writing to the Officer; or shall place any boards, stone, wood, or other materials at the dipping-place; or shall by any other means prevent the Gauger from taking true dips and gauges, he shall forfeit 20*l.* *5 Geo. III. c. 43.*

The Officer of Excise may, in the day-time and in the presence of a Constable, break open the door or any other part of a brewhouse, warehouse, or other place, where he shall justly suspect that any private back, tun, or vessel is made use of; and he may break up the ground in such place, and the ground adjoining,

adjoining, to search for such vessel, or conveyance leading thereto. But, before he enter such place by force, he must request leave to enter, and be refused. And, if any such private pipe or other conveyance be found, the Officer may follow the same; and if it shall lead into the ground, house, or other place of another person, the Officer shall make the same request to enter: and, if it shall be denied him, he may likewise, in the presence of a Constable, force his way into the same, and break open the ground, or any part of the house if there shall be occasion, making good the same, or giving reasonable satisfaction to the owner. And, if any person oppose such Officer, he shall forfeit 20*l.* 7 and 8 *Will.* c. 30. *f.* 27.

Every dealer in and retailer of cyder and perry, and every other person receiving either of the said liquors into his custody for sale, and persons buying fruit to make into cyder or perry for sale, shall make entry of every place in which the same are to be kept, at the Excise-office within the district, on pain of forfeiting 50*l.* 1 *Geo.* III. c. 3. *f.* 21.

No common brewer shall keep under ground any pipe or stop-cock, or any other private conveyance, by which any beer, ale, or worts may be conveyed from one tun or brewing vessel to another, or into any other place; nor shall have any hole in any tun, batch, or float, by which beer, ale, or worts may be conveyed into or out of the same, on pain of forfeiting 100*l.* 8 and 9 *Will.* c. 19. *f.* 4.

And the Officer of Excise may, in the day-time and in the presence of a Constable, having first requested

quested so to do, and declared his reasons, break up the ground in any common brewhouse, or the ground near adjoining: or any wall, partition, or other place, to search for any such private pipe, or other conveyance: and on finding a pipe, may follow the same: and may also break up the ground, house, wall, or other place leading to the same, and break up or cut such pipe or other conveyance: and may turn any cock to try whether it can convey as aforesaid. And, if no such pipe or other conveyance shall be found, the Officer shall make good the ground, or other place broken up, or make satisfaction to the owner. And whosoever opposes the Officer shall forfeit 5*ol.* *Id.* f. 5, 6.

But a common brewer may use pipes, stop-cocks, or other conveyances above ground, so as they are in open view, for letting his worts out of his copper into his public backs or coolers; and out of the same into his tuns, batches, or floats; or out of the tun into his casks. *Id.* f. 7.

No common brewer, inn-keeper, victualler, or other retailer of beer or ale, shall make use of or keep any private store-house, cellar, or other place, for keeping any beer, ale, or worts in casks, on pain of forfeiting 5*ol.* And every other person occupying such place shall also forfeit 5*ol.* 15 *Car.* 11. c. 11. f. 1. 1 *Will. Stat.* 1. c. 24. f. 11.

No person living in a market-town, city, or town-corporate, or in any place adjoining, where there is a common brewhouse, and who brews at home for his own family, shall suffer any other person to brew at his house in his vessels, except his servants, labourers, or others by way of charity, hospitality, or free gift; nor shall lend out any of his

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his vessels except such as are moveable, under pain of forfeiting 5*l.* 22 and 23 *Car. II. c. 5. s. 10.*

The Gauger shall at all times, as well by night as by day (but if at night then in the presence of a Constable) be suffered, upon his request, to go into the brewhouse, or any other place made use of by a brewer or retailer of beer, ale, worts, perry, cyder, or metheglin, and gauge all the coppers, vats, and vessels therein, and take an account of the liquors, and make a return in writing to the Commissioners: of which return he shall leave a copy in writing under his hand, with the brewer, maker, or retailer; and the charge shall be made according to such return. 12 *Car. II. c. 24.*

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If a brewer bribes the Gauger to make a false return, he shall forfeit 10*l.* and the Officer who takes the bribe shall also forfeit 10*l.* 15 *Car. II. c. 11.*

s. 16.

If a brewer, maker, or retailer, shall refuse to admit the Gauger into his brewhouse or other place aforesaid, the Gauger shall give him notice not to sell, carry out, or deliver any liquor, to any of his customers. And if the brewer, maker, or retailer, shall act contrary to such notice, and before the liquor has paid the duty of Excise, he shall forfeit 10*l.* and double the value of the liquors carried out. 12 *Car. II. c. 24. s. 33.*

If any common brewer, inn-keeper, or victualer, shall, on request or demand made by the Gauger in the day-time, or in the night (but then in the presence of a Constable) refuse him admittance into his brewhouse or other place used by him: or, having admitted him, shall refuse to stay with him in the brewhouse whilst his guile is brewing,

ing, and quietly gauge and take an account of the several worts as they are brewed off and let into his backs and tuns: and to see the strong and small drink cleansed and carried out without mixture: and to take an account of the goods in the mesh tun, or the quantity of malt from which such worts are made: such brewer, inn-keeper, or victualler, shall forfeit 20*l*. and the person who prosecutes shall not be obliged to prove that any part of the guile was carried out before the duties were paid. 7 and 8 *Will. c. 30. f. 22.*

If a maker of cyder, intended for sale, shall conceal any of the same from the sight of the Gauger, he shall forfeit for every hoghead 40*s*. *Id. f. 16.*

If any such maker of cyder shall refuse the Gauger, in the day-time, or at night, but then in the presence of a Constable, (upon his making request) to enter his house or other place used by him to take account thereof, he shall forfeit 15*l*. *Id. f. 17.*

Persons obstructing an Excise Officer in the execution of the powers given him by 6 *Geo. III. c. 14. f. 17.* relating to the duties on cyder and perry, shall forfeit 40*l*.

As often as there shall be occasion two able artists shall be appointed, one of them by the Commissioners or Sub-commissioners of Excise, and the other by the brewers of any city or other place; and these artists shall be sworn before a Justice, to take and compute the just contents and gauge of all coppers, vats, tuns, backs, and coolers, and other brewing vessels of that kind; and to deliver in writing, under their hands, one copy thereof to the Commissioners or Sub-commissioners, and another to every brewer. 15 *Car. II. c. 11. f. 7.*

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Every common brewer, who makes guile of beer or ale, shall declare to the Gauger how much strong beer or ale he intends to make of such guile, and how much small, before any part of the guile is removed or cleansed out of his tuns; and if the brewer or servants shall refuse doing so, the whole shall be returned by the Gauger as strong, and the brewer shall also forfeit 20s. for every barrel of such guile. And if, after the brewer's having declared the quantity to the Gauger, he makes any increase of the strong beer or ale, or worts of the same guile laid off, he shall forfeit, for every barrel increased, laid off, or found, over and above the quantity declared, the sum of 5*l*. and the servant who assisted therein shall forfeit 20s. and, in default of payment, be imprisoned for three months. And, if it shall appear upon the trial, that the strong beer or ale, so declared, was increased by mixing with it any beer or ale that remained in the brewhouse of a former guile, he shall nevertheless suffer the penalty, except it be proved on oath, that the strong beer or ale, so added, was added in the presence of the Gauger. 8 and 9 *Will. c. 19. s. 2.*

And as there are many brewers who have strong beer or ale remaining in the brewhouse from the time it was brewed, until the next guile or brewing, and which they frequently alter by mixing with it new small beer, or old returned drink, and then add the beer or ale so altered to the next guile: if therefore it shall appear to the Gauger that the quality of such strong beer or ale that remained of a former guile, and was added to the guile of a new drink, hath been so altered, he shall return the whole of what appears to have been

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altered, as if the same had been fresh brewed, and it shall pay the duty accordingly. *Id. f. 3.*

And if any common brewer, inn-keeper or victualler, shall cleanse or remove out of his brew-house any part of his guile, or brewing of beer, ale, or worts, before the whole of the guile is brewed off, and be in his tuns, backs, or coolers, and till the Gauger has, or might have, taken an account of the same, without first giving notice to the Supervisor or Gauger of the time when, and how much of such guile or brewing he intends to cleanse or remove, and how he intends to dispose of the same, he shall forfeit for every barrel 40s. 7 and 8 *Will. c. 30. f. 21.*

If the Gauger shall perceive that any worts are missing or not fairly let down into the tun, and he cannot find the same, he may charge for such quantity of beer or ale as such worts would reasonably have made. *1 Will. Stat. 1. c. 24. f. 6.*

Gaugers may take their gauges, and make their returns and charges upon warm worts in the backs, coolers, or other vessels; in which case they are to make an allowance of one tenth part for wash and waste; and the worts shall not be afterwards charged when made into beer or ale. *1 Will. Stat. 1. c. 24. f. 7.*

If a common brewer, inn-keeper, victualler, or other retailer of beer or ale, shall convert any small beer or small worts into strong beer or ale by mixing it, after the same has been taken an account of by the Gauger, or shall sell any of it without first giving notice to the same Gauger who surveyed him of the quantity so mixed. And if a brewer or retailer shall conceal or convey away any beer, ale, or worts, before they are gauged, by which the King may be

be defrauded of his duty, he shall forfeit for every barrel 20s. 15 *Car. II. c. 11. f. 12.* 1 *Will. Seff. 1. c. 24. f. 11.*

And if any common brewer, or other brewer, inn-keeper, victualler, or retailer of beer or ale, shall mix, or cause to be mixed, any strong beer, ale, or strong worts, with small beer, small worts, or water, after the same has been gauged, he shall forfeit 50l. 2 *Geo. III. c. 14. f. 2.*

No common brewer shall sell, deliver, or carry out, any beer or ale to any of his customers, in any city or market-town, before he has given notice to the Officer of Excise, at any other hour than between three in the morning and nine in the evening from the 25th of March to the 29th of September; and between 5 in the morning and 7 in the evening, from the 29th of September to the 25th of March; on pain of forfeiting 20s. a barrel. 15 *Car. II. c. 11. f. 11.*

If a common brewer or inn-keeper shall, on carrying out his drink, or after it is carried out, mix any small beer, or small worts, with any strong beer or ale in his dray, or in any other place, he shall forfeit 5l. and the Gauger may taste the drink while on the dray, and may also request to enter the cellar, or other place in the possession of an inn-keeper or victualler that buys drink of a common brewer, and taste the drink he shall find there. And if the inn-keeper or victualler shall refuse to admit him into his cellar, or other place, or to taste the drink therein, he shall forfeit 5l. 7 and 8 *Will. c. 30. f. 23.*

No retailer of beer or ale shall, after he has received it from the common brewer, mix any beer, ale, or worts of extraordinary strength, with

any small beer, ale, or worts, in any vessel containing three gallons or more, on pain of forfeiting, for every barrel so mixt, double the duty for strong beer or ale, and so in proportion for a greater quantity. 22 and 23 *Car. II. c. 5. f. 11.*

And to avoid uncertainties in the Gauger's returns, the barrel of beer (within the bills of mortality) shall contain 36 gallons, according to the standard in the Exchequer, and the barrel of ale 32 gallons. And the other liquors aforesaid shall be reckoned by the wine gallon. 12 *Car. II. c. 24. f. 34.* 1 *Will. Stat. 1. c. 24. f. 5.*

The common brewer, who sells only to retailers, shall be allowed on every 23 barrels of beer, whether strong or small, 3 barrels for filling and leakage; and 2 barrels upon every 22 barrels of ale. 12 *Car. II. c. 24. f. 36.*

But if a common brewer is convicted of making a false entry, he shall be deprived of the said allowance for six months after, and suffer the penalties enacted for such offence. *Id. f. 37.*

In all other places 34 gallons shall be reckoned a barrel of ale or beer, and the allowance for waste shall be two barrels and a half on every 23 barrels. 1 *Will. Stat. 1. c. 24. f. 5.*

The Gauger shall leave notes (if required so to do) signed by him of every gauge, containing the inches and tenths of the backs and wants of the tuns, and the quality of the liquors; and these gauges shall be left with the common brewer or some seryant, at the time of taking the gauges, on pain of forfeiting 40s. 7 and 8 *Will. c. 30. f. 46.*

The Gauger shall, within three days after the end of every week, deliver to, or leave, with the brewer or retailer, or their servant, a copy, under his

his hand, of every charge by him made, containing the quantity and quality of the liquors charged in the course of the week. And if he shall neglect or refuse (after demand has been made to him in writing according to 12 Geo. c. 28. s. 30.) to leave such copy, or if he shall charge for more than the copy contains, he shall forfeit 10*l*. *Id.* s. 25.

The Commissioners of Excise, or Appeals, or Justices of the Peace, upon complaint being made to them of an overcharge of the Gauger, may hear such complaint, and examine witnesses upon oath concerning it; and may relieve the person who complains, of so much as he shall appear to have been overcharged. 1 *Will. Sess.* 1. c. 24. s. 13.

All common brewers of ale and beer shall once in every week make entries at the Excise-office of all the liquors brewed by them in the course of the week, on pain of forfeiting 10*l*. 12 *Car.* II. c. 24. s. 29, 30.

And inn-keepers, alehouse-keepers, victuallers, and other retailers of beer, ale, cyder, perry, or metheglin, shall, once in every month, make entries, at the Excise-office, of all such liquors made or sold by them in the course of the month. *Id.*

Inn-keepers neglecting to make such entries shall forfeit 5*l*. And alehouse-keepers, victuallers, or other retailers, shall forfeit 20*s*. *Id.* s. 30.

And every common brewer who does not pay his duty within a week after he makes his entry, and inn-keepers, alehouse-keepers, victuallers, or other retailers, not paying within a month after they make theirs, shall pay double the amount of the duty. *Id.* s. 31.

If any of the above persons live in a market-town,

town, they shall not be obliged to go out of it, either to make their entries, pay the duties, or for any other cause concerning the same. And, if they do not live in a market-town, they shall not be obliged to go farther than the next market-town, which shall be in the same county, to which they live, on a market-day.

No common brewer shall be prosecuted for a mis-entry, or a short entry, if he shall rectify the same within one week after the Gauger has delivered to him a copy of the return, according to the said return, or otherwise discharge himself. 15 Car. II. c. 11. f. 6.

But no brewer shall be benefited by the above, if it shall appear by the evidence, that he did not *bona fide* shew the Gauger the whole of the beer, ale, and worts of each respective guile, for the time for which such copy of the return was made, or if any fraud was committed in order to avoid the duty for any part of the drink that was brewed. 1 Will. Seff. 1. c. 24. f. 10.

Persons brewing small quantities of beer or ale, and selling the same at fairs, and who are not at other times common brewers or retailers, need not make entry thereof, but must pay the duty of Excise for the same, before selling it. 12 Car. II. c. 24. f. 39.

The Commissioners or Sub-commissioners may compound with inn-keepers and others for the duties. 12 Car. II. c. 24. f. 40.

But no person that hath compounded shall, during such composition, suffer any beer or ale to be brewed within his brewhouse, for any other common brewer, without first giving notice to the Commissioners or Sub-commissioners, and immediately

diately paying down the duty thereon, on pain of 5*l.* a barrel being forfeited by the person who brews the same, and 5*l.* a barrel by the person for whom it is brewed. 15 *Car.* II. c. 11. s. 14.

All the utensils and vessels used in brewing, into whose hands soever they may come, shall be subject to the debts and duties that had been owing before to the Excise for the beer that had been brewed therein: and they shall likewise be subject to the penalties and forfeitures for offences against the laws of Excise. And it shall be lawful to use such proceedings against the said vessels and utensils as might have been used against them while in possession of the person who carried on the business before. 15 *Car.* II. c. 11. s. 13.

No information shall be brought against a common brewer, alehouse-keeper, vinegar-maker, or cyder-maker, for any misentay or other offence, unless the same is laid within three months after the offence is committed; and notice thereof shall be given him in writing, or left at his dwelling-house, within a week after laying and entering the same. 1 *Will.* Sess. 1. c. 24. s. 16. 12 and 13 *Will.* c. 11. s. 17.

If any common brewer, or maker of cyder, making beer, ale, or cyder, for sale, shall deliver to any distiller, or vinegar-maker, any wash, tilts, ale-beer, vinegar-beer, or cyder, without first giving notice to the Gauger of the quantity he intends to deliver, and when, and to whom, he shall forfeit for every barrel 20*s.* 8 and 9 *Will.* c. 19. s. 9.

Any person may export beer, ale, cyder, or mum, upon paying the Custom-duty of one shilling a tun. 1 *Will.* c. 22.

And,

48 DUTIES on ALE, &c.

And, upon exporting the same, the duty, which shall have been paid for it at the Excise-office shall be paid back again to the exporter, 22 and 23 *Car. II. c. 5. f. 15. 7 Geo. Stat. 1. c. 20. f. 31. 6 Geo. III. c. 14. f. 16.*

Upon the exportation of strong beer or ale, there shall be a deduction of 3*d* a tun from the money to be returned by the Excise-office, for the charges of the Officers. *Id. f. 5.*

Spirituous

Spirituous Liquors.

PERSONS, retailing spirituuous liquors in less quantities than two gallons, shall, ten days before they begin selling, make entry in writing, at the next Excise-office, of the warehouse, shop, cellar, or other place in which they intend keeping the said liquors, and of the quantity kept therein, on pain of forfeiting 20*l.* for every place not entered, and 40*s.* for every gallon, together with the liquor and casks. 9 *Geo. II. c. 23. s. 6.*

No foreign spirits, though of less quantity than a gallon, shall be received by any retailer, without a permit, signifying that the same has paid duty, or that it has been condemned, on pain of forfeiting the same, and the cask or other vessel that contains it. *Id. s. 13.*

Foreign spirits shall not be kept in the same place with British spirits, on pain of forfeiting 10*s.* for every gallon of British spirits found in the same place with foreign spirits, together with the casks containing such British spirits. 8 *Geo. c. 18. s. 11.*

The Officer of Excise may take samples, not exceeding half a pint in the whole, out of every cask or other package containing foreign spirituuous liquors, which shall be found in the warehouse or other place belonging to a retailer. And the Officer shall pay a market-price for the same, if demanded of him. 32 *Geo. II. c. 29. s. 2.*

No retailer shall increase his liquors after they have been taken an account of by the Officer, by adding water or any other liquor thereto, on pain

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of forfeiting 40s. for every gallon, together with the liquors so mixed. 9 *Geo. II. c. 23. f. 8.*

And, if the Officer shall find any increase of spirits since his last survey, such increase shall be considered as having been made by foreign spirits, for which no duty had been paid. And the liquor found so increased, together with the casks containing it, shall be forfeited, unless the owner can make it appear, that he made the increase in the presence of the Officer of the division, by mixing part of his stock of British spirits, of which the Officer had taken an account, or by mixing some of his foreign spirits that had been bought with a permit, or that it had been condemned and brought in on proper notice given to the Officer. 8 *Geo. II. c. 18. f. 12.*

The Officer may at any hour (but if in the night, then in presence of a Constable) having first made oath before a Justice, living near, of a likely reason for suspecting concealment, enter the warehouse or other place of a retailer, and taste, gauge, or otherwise take an account of his stock. And, if the retailer hinders or obstructs the Officer, he shall forfeit 50*l.* 9 *Geo. II. c. 23. f. 9.*

Whoever has in his custody more than 63 gallons of spirituous liquors shall be deemed a retailer and subject to pay the duties. *Id. f. 18.*

Persons retailing spirituous liquors, mixed or unmixed, or other strong waters, shall take out a licence 10 days before, for which he shall pay 40s. If the person lives within the bills of mortality, he shall get such licence at the Excise-office in London; if he lives out of the bills, he shall get it from the Collector or Supervisor of the district in which he resides. 16 *Geo. II. c. 8. f. 8.* 24 *Geo. II. c. 40. f. 9.*

No

SPIRITUOUS LIQUORS. 51

No person, having a licence to retail spirituous liquors, shall follow the trade of a distiller, grocer, or chandler. 17 Geo. II. c. 17. f. 19.

Persons retailing spirituous liquors, mixed or unmixed, drank in any quantity whatever, in any place belonging to them, or who shall retail or send the same abroad in a less quantity than two gallons, shall be deemed retailers and liable to the duties. 17 Geo. II. c. 17. f. 20.

No licence shall be granted within the limits of the Head-office of Excise in London, but to such as rent houses of 10*l.* a-year, and pay parish rates for the same. And in places where the inhabitants are not rated to the Church and poor, licences shall be granted to such persons only as rent houses of 12*l.* a-year. And in other parts of the kingdom no licence shall be granted but to such as pay the Church and poor rates. And the licence shall remain good no longer than the person continues so qualified. 24 Geo. II. c. 40. f. 12. 26 Geo. II. c. 13. f. 9.

A licence will not be good for any other place than that for which it was granted. 17 Geo. II. c. 17. f. 22.

And the Commissioners, upon oath made of an offence against any act to regulate the retailing of spirituous liquors, may grant a warrant to any of the Peace-officers, or other Parish-officers, to enter and search the houses and other places, where an offence is sworn to have been committed, and may break open the doors, if not opened on demand, and seize all the spirituous liquors they shall find, and detain the same till the offence shall be heard and determined: but, if the offender shall not be convicted, the liquors shall be immediately restored to him. 24 Geo. II. c. 40. f. 14.

No

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No person shall hawk, sell, or expose to sale any spirituous liquors about the streets, roads, or fields, in a wheelbarrow, or basket, or in any boat on the water, or in any other manner whatever: or shall sell or expose any to sale, on any bulk, stall, or shed, or in any other place than such as are allowed as above, on pain of forfeiting 10*l*. And one Justice, on his own view, the confession of the offender, or on the proof of one witness, may determine the offence. And the offender shall immediately pay down the penalty to a Church-warden or Overseer. And, if he refuses, the Justice shall commit him to the house of correction, to be kept to hard labour for two months to be reckoned from the day he shall be committed; and he shall not be discharged sooner, unless the penalty be paid. Half the penalty shall go to the informer, and half to the poor. But, if there is no informer, then the whole shall go to the poor. 9 *Geo. II. c. 23. s. 13.*

And any one Justice, on information being given on oath against such person, may (without any previous summons) issue his warrant for apprehending and bringing him before some Justice living near where the offence was committed. 11 *Geo. II. c. 26. s. 4.*

If any spirituous liquors, in less quantities than two gallons, shall be sold or delivered, in a private manner, to any person in a house, outhouse, stable, barn, shed, or any other place belonging to a house or farm; in such case the occupier or occupiers of such house or farm shall be deemed retailers, and suffer the penalty for selling without licence. 11 *Geo. II. c. 26. s. 1.*

If any person shall agree to pay a workman, servant, labourer, or other person employed
by

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by him, or for him, so much for wages, and so much spirituous liquors as with the money shall amount to the value of the wages: or shall outset, or deduct, any part of the wages for any spirituous liquors, he shall be deemed a retailer, and forfeit 20*l.* over and above the other penalties, and the servant shall be intitled to his whole wages. 9 *Geo.* II. c. 23. f. 11.

But this shall not include Physicians or Apothecaries selling such spirituous liquors for medicines. *Id.* f. 12.

No person shall be able to recover a debt for spirituous liquors sold, unless 20*s.* or upwards shall have been contracted at one time; nor shall any particular article in an account be allowed, where the liquors delivered at one time shall not amount to the full value of 20*s.* and where no part of the liquors sold shall be agreed to be returned. 24 *Geo.* II. c. 40. f. 16.

No person shall take any thing by way of pawn, for liquors sold, on pain of forfeiting 40*s.* by warrant from one Justice; half to the poor, and half to the informer. And the person who left the pawn shall have such remedy to recover it, as if the same had never been pledged. *Id.*

If any distiller, or other person, shall, knowingly sell or deliver any distilled spirituous liquors to any person who is not licenced to retail the same, he shall forfeit 10*l.* and treble the value of the liquor, half to the King, and half to him that shall sue in the Courts at Westminster. And if the person retailing such liquors shall discover the person of whom they were bought, and prosecute him to conviction, he shall be intitled to one half of the penalty, and be excused from the penalties which he himself would
other-

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otherwise have been subject to for selling such liquors without licence. *Id. f. 15.*

If any persons to the number of five or more shall assemble in order to rescue any offenders against the acts concerning spirituous liquors, or to assault any person who shall have given, or is about to give, any information, or that has discovered or given evidence against, or who has seized or brought to justice, any offender, they shall be guilty of felony and be transported for seven years. *Id. f. 32.*

If a person buy spirituous liquors of another legally authorized to sell the same, the Officer of Excise shall, without any fee, give him a certificate mentioning the quantity, the names of the buyer and seller, and that the duty hath been paid, or that the goods were condemned as forfeited. 6 *Geo. c. 21. f. 16.*

No such liquors shall be carried out in a greater quantity than one gallon without a permit, on pain of forfeiting the same, together with the casks or other vessels. *Id. f. 17.*

Whoever takes out a permit, and neither removes the liquor within the time therein granted, nor returns the permit, he shall forfeit treble the value of the liquor. And, if there does not appear a sufficient decrease in the stock to answer the quantity carried out by a permit, the Officer may seize so much as will answer that quantity.

No person shall receive a permit, without a direction in writing of the person who sold the liquor, or his servant, on pain forfeiting 50*l.*; and, in default of payment, suffer three months imprisonment. 11 *Geo. c. 30. f. 10.*

If any person who has received any spirituous
liquors

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liquors without a permit, shall offer the same again to sale, the person to whom they are offered may seize, detain, and carry them to the next warehouse belonging to the Customs or Excise, and bring the person before a Justice, who shall commit him to prison, and he shall be prosecuted for the offence; and the liquors may be prosecuted by the person to whom they were offered to sale, in the same manner as though they had been seized by an Officer. 9 Geo. II. c. 35. s. 20.

If a Pedlar or other person, travelling with goods either on foot, or with a horse, or other cattle, or otherwise, shall offer any such liquor to sale, though he may have a permit with it, such goods may be seized by the person to whom they are offered, who may proceed therein in the same way as against persons offering to sale liquors with which they have received no permit.

If a Constable or other Peace Officer shall refuse or neglect, upon notice being given him, to assist in putting in execution this act, or the act of 9 Geo. II. or 10 Geo. II, he shall, upon being convicted by the oath of one witness, forfeit 20*l*. 11 Geo. II. c. 25. s. 7.

All low wines or spirits carried coastwise without a certificate from the Officer of Excise where they were made, specifying that the duty has been paid, shall be forfeited, and seized by the Officers of the port where they shall be brought in. 3 Geo. II. c. 4. s. 17.

In cases where a retailer of spirituous liquors is to be committed to the house of correction for any offence, the Commissioners shall cause rewards not exceeding 5*l*. to be paid to the informer. 17 Geo. II. c. 17. s. 21.

If

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If any person obstructs an Officer of the Excise or Customs in seizing uncustomed or prohibited goods; or shall rescue, or attempt to rescue, the same; or, when seized, shall destroy or damage any casks, boxes, or packages containing the same; the Officers, or persons assisting them, may arrest the offender, and carry him immediately before a Justice, near the place where the offence was committed; and the Justice shall, if he sees fit, commit him till the next general Quarter Sessions, when, upon conviction, he shall be committed to the house of correction to hard labour for any time not exceeding three years, nor less than one. 19 Geo. III. c. 69. s. 10, 11, 12.

Every person who shall retail less than two gallons of spirituous liquors, shall, ten days before, make entry in writing of all places intended to be made use of for keeping such liquors, at the nearest Excise-office to which he lives: as well as of all liquors kept by him, on pain of forfeiting 20*l.* for every place not entered, and for every gallon not entered 40*s.* together with the liquors and casks. 32 Geo. II. c. 29. s. 6.

Every importer for sale, or dealer in foreign spirituous liquors, who shall sell the same either by wholesale or retail, shall have painted, in large legible characters, over the outer door, or in the front, or in some conspicuous part of every place made use of by him, the following words—Importer of, or dealer in, spirituous liquors,—on pain of forfeiting 50*l.* *Id.* s. 18.

And if any importer or dealer in foreign spirituous liquors shall buy such liquors of any other person than an importer or dealer, over the door
of

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of whose shop or other place the above words shall be written or painted, he shall forfeit 100*l.* Provided, however, that such dealer shall not be subject to the said penalty, if the liquors were purchased whilst on board the ships wherein they were lawfully imported, and on the quays where they have been lawfully landed; nor if the liquor purchased be rum, if such rum was purchased whilst in the warehouse, according to the act of 15 and 16 *Geo.* II.; nor if arrack, if such arrack was purchased whilst it was in the warehouse of the East-India Company: nor if such liquors were taken as foreign prizes; nor if they were foreign spirituous liquors, sold for the benefit of the insurers or proprietors, to defray the charges of salvage. *Id.* *f.* 19, 20.

If any person, who has not made entry as aforesaid, shall write or paint over his door the words above-mentioned, he shall forfeit 50*l.* over and above the penalties for selling or dealing in such liquors, without first making entry of them. *Id.* *f.* 21.

And if any person, who is not an importer nor dealer, shall buy any of the said goods (except such as are before excepted) and has not the aforesaid words marked over his door, he shall forfeit 10*l.* and if the person of whom he bought them shall, before any information has been lodged against him for selling, and within 20 days after the goods were bought of him, lodge an information against the buyer, he shall be excused from all the penalties which his own offence would have made him liable to. *Id.* *f.* 22.

As the penalty of 10*l.* to which persons are liable for selling spirituous liquors without licence,

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is sometimes found not sufficient to deter offenders from doing it, it is enacted, that if any person shall himself, retail any distilled spirituous liquors without licence, or shall employ any other to do it for him, he shall forfeit 50*l.* to be recovered, levied, and mitigated by any law of Excise, or in the Courts at Westminster. Provided that no person, who is prosecuted for an offence by a former act, shall be prosecuted likewise for the same offence by this act. 13 *Geo. III. c. 56.*

Providing

Providing Carriages.

IN order to provide carriages for soldiers upon their march, or for their arms, clothes, and accoutrements, any Justice of the Peace, being duly required, by an order of his Majesty, or the Commander in Chief of his forces, or the Master-general, or Lieutenant-general of his Majesty's Ordnance, shall, upon such order being produced to him by the Quarter-master, Adjutant, or other Officer of the regiment, troop, or company ordered to march, issue his warrant to the Constable or petty Constable of the division, liberty, hundred, or precinct, from, through, near, or to which, such forces shall be ordered to march, requiring them to provide such carriages, with able men to drive them, as is mentioned in the said warrant; allowing sufficient time to such Constables, &c. that the burden may not fall wholly on the neighbouring parts. And if a sufficient number of carriages cannot be provided within such liberty, division, or precinct, then the next Justice, or Justices of the county, riding, or division, shall, on the above order being produced to him, issue his warrant to the Constables or petty Constables of the next county, riding, division, or precinct, in order to make up the deficiency.

And the Constables or petty Constables, shall make choice of such persons who have carriages, within their respective liberties, as they shall think fit.

If any military Officer shall oblige a carriage to travel more than one day's journey, or shall not discharge the same in time for its returning home, or shall permit any soldier or servant (except those that are sick) or any woman, to ride in the carriage, or shall compel a Constable, by threats, to furnish saddle-horses for themselves or their servants, or shall take horses by force from the owners, either by themselves or their servants, he shall forfeit 5*l.* upon its being proved by oath before two Justices, who are to certify the same to the Paymaster-general, or other Paymaster of the forces, who shall satisfy the penalty, according to the order of such Justices, under their hands and seals, and the same shall be deducted out of the Officer's pay.

No waggon, wain, or cart, shall be obliged to carry more than thirty hundred weight.

If any High Constable, or petty Constable, shall wilfully neglect, or refuse to execute such warrants for providing carriages; and if any person, whom the Constable shall have appointed to furnish a carriage and man, shall refuse, or neglect to provide the same; or if any person shall wilfully obstruct the execution of such warrant; they shall forfeit any sum not exceeding 40*s.* nor less than 20*s.* to the poor of the parish where the offence shall be committed; the same to be heard and determined by two Justices, residing at or near the place, who shall order the penalty to be levied by distress.

And as the sums which the Constables are to receive from the Officers, for the purpose of providing carriages, have been found, in many cases, insufficient to answer the charge and expence of providing them, to the great burden of the town-ship;

ship; or otherwise the persons furnishing such carriages are grievously oppressed; it is enacted, that the Treasurer of the county shall, without fee or reward, pay unto such Constable all such reasonable sums as he shall have laid out in providing the carriages, exclusive of what was or ought to have been paid by the Officer requiring them, out of the public stock, according to such rates and orders as the Justices in their Sessions shall direct; which orders shall be made without any fee; the season of the year, as well as the length of the distance, and the condition of the roads, being first considered. And if the public stock be not sufficient, the Justices in Session may raise money in the same way as for gaols and bridges, which is out of the general county rate.

No toll or duty shall be taken by virtue of any act of Parliament, for repairing any of the public roads, for any horses, or other cattle, or carriages employed in carrying the arms or baggage of any Officers or soldiers; and no carriages so employed, shall be subject to be weighed at any engine, nor the owner nor driver subject to any penalty, for carrying a greater weight than is allowed by law to be conveyed in such carriage.

B I L L E T T I N G.

CONSTABLES and other Chief Officers and Magistrates of cities, and in their default or absence, any one Justice residing at or near the place, but no other person, is empowered by the Mutiny Act to quarter and billet the Officers and soldiers, in inns, livery-stables, alehouses, victualling-houses,
and

and the houses of those who sell wine by retail to be drank in their own houses, or in places belonging thereto, (persons only excepted, who keep taverns, they being free of the Vintners Company in London) and in the houses of such as sell brandy, strong waters, cyder, or metheglin, by retail, to be drank in houses (except the houses of distillers, who keep places for distilling of brandy and strong waters, and except the houses of shop-keepers) and in no private house whatsoever. And there shall be no more billets ordered than there are effective soldiers. And if any person shall be aggrieved by having more soldiers billeted upon him than in proportion with his neighbours, he may be relieved by making complaint thereof to one Justice. But if the person who billeted them be himself a Justice, then the complaint must be made before two Justices.

No Justice, having any military command, shall be concerned in quartering soldiers under his immediate command, but every thing done by him, relating thereto, shall be void.

If a Constable shall take any reward from a person liable to billet soldiers by way of excusing him therefrom; or if any person that is liable, shall refuse to receive soldiers, or to furnish them as the act requires; and shall be thereof convicted before one Justice, either by confession, or the oath of one witness; the offender shall forfeit any sum not exceeding 5*l.* nor less than 40*s.* to be levied by distress, by a warrant of such Justice, directed to any other Constable, or any Overseer of the poor of the parish where the offender resides, for the use of the poor of the said parish.

And an Officer taking money to excuse any person

son from the quartering of soldiers shall be cashiered and incapacitated.

If any Officer, military or civil, shall quarter any of the wives, children, men or maid servants, of Officers or soldiers, in any house against the consent of the owner, the Officer, if he be an Officer in the army, shall, on proof being made thereof to the Commander in Chief of the army, or Judge-Advocate, be, ipso facto, cashiered; and, if he be a Constable or other civil Officer, he shall on proof thereof being made before the next Justice, forfeit to the person aggrieved twenty shillings.

Officers and soldiers, billeted as aforesaid, shall be quartered and provided with diet and small beer, paying for the same as hereafter is mentioned, out of their subsistence-money.

But, if the person with whom they are quartered chuses rather to furnish them with candles, vinegar, and salt, and either with small beer or cyder, not exceeding five pints a day, gratis, and to allow them the use of fire, and the things necessary for dressing and eating their meat, and shall signify such his desire to the Commanding Officer, and furnish the same accordingly; the soldiers shall, in such case, provide their own victuals, and the Officers shall pay to the soldiers, out of the subsistence-money, the money for diet and small beer, and not to the persons on whom they are quartered, except while the soldiers are upon their march or recruiting.

Wherever there shall be any horse or dragoons quartered, the men and their horses shall be billeted in the same house (except in cases of necessity); and in no case shall there be less than one man billeted, where there shall be one or two horses, nor less than two
men

men where there shall be four horses, and so in proportion.

The Officers may remove or exchange the men, or their horses, with others that are quartered in the same town; but the numbers exchanged must be equal; and the Constables or other Officers shall billet them accordingly.

Any Justice may, by a warrant, command a Constable or other Officer to give an account in writing of the number of Officers and soldiers billeted by them; and likewise of the names of the persons upon whom they are billeted, with the name of the street or place in which they dwell, and the sign of the house, if there be any; in order that it may be known where they are quartered, and that abuses in billeting them may be prevented.

In *Westminster*, the petty Constable shall deliver lists on oath, at every Quarter-Sessions, of the houses and persons who are liable to quarter soldiers, and the numbers that are billeted in each house; which lists are to remain with the Clerk of the Peace, to be looked at without fee; and the Clerk shall deliver copies of the said lists, for which he shall be paid 2*d.* for every sheet; each sheet containing an hundred and fifty words. And Constables, neglecting to do as above, shall forfeit 5*l.* to the poor, by a warrant of one Justice. And for want of sufficient distress, the offender shall be imprisoned not longer than for three months, nor less than one.

Soldiers are to be removed, at times of election, to the distance of two miles or more from the place where the election is held, and shall there remain, till at least one whole day after the poll is closed. This does not,

not, however, extend to *Westminster*, nor to any other place of residence for the Royal Family; nor to fortified places; nor to any Officer or soldier, who has a right to vote at the election.

The Officer, who shall receive the pay or subsistence-money for the use of the soldiers, shall, as soon as he receives it, give public notice to all persons who keep inns or other places where soldiers are quartered, to repair to their quarters at such time as shall be appointed for the distribution thereof to the Officers and soldiers; which time shall not exceed four days, after the receipt of the money by the Officer. And the said inn-keepers or others shall be first paid, before any part of the pay be distributed to the Officers or soldiers, provided their demand does not exceed 2s. a day, for diet and small beer, to a commissioned Officer of horse, under the rank of Captain; nor 1s. for a commissioned Officer of dragoons, under the rank of a Captain; nor 1s. for a commissioned Officer of foot, below the rank of a Captain; and for every horse the sum of 6d.; nor the diet of a light-horseman, with hay and straw for his horse, 1s.; nor for the diet of a dragoon, with hay and straw for his horse, 1s.; nor for the diet of a foot soldier, four pence.

And if the Officer, receiving such money, shall neglect to give such notice to the inn-keepers and other persons, or shall not, upon such accounts being produced, immediately settle the same, the Pay-master shall, upon complaint being made on oath by two witnesses at the next Quarter-Sessions, and certificates being granted by the Justices in such Sessions, of the sum due, and to whom it is owing, pay the same out of the said Officer's arrears,

rears, on pain of forfeiting his office and disability. And, if there shall not be any arrears due to the said Officer, then the Pay-master shall deduct the sums due to the inn-keepers and other persons, out of the next pay of the regiment. And the Officer shall, for his offence, be cashiered. And if it shall happen, that the subsistence-money-due, to any Officer or soldier, shall by any accident not be paid; or if the Officer or soldier shall neglect to pay the same to the inn-keeper or other person; or where any forces shall be upon their march, so that no subsistence-money can be remitted to them; every such Officer shall, before he quits his quarters, settle the accounts with every person with whom the soldiers under him shall have been quartered, and sign a certificate thereof, which shall be kept by the person to whom the money is due, for his security. And this certificate shall mention the name of the regiment, troop, or company, to which such Officer belongs, that it may be transmitted to the Pay-master, who shall immediately pay the same; or suffer the penalty which is before directed for non-payment of quarters.

If any person harbours, or assists a deserter, he shall forfeit five pounds.

The billeting and furnishing of carriages are to be by orders from the Admiralty. Former acts limited the weight to be carried by a waggon, card, wain, or carriage, to twenty hundred, but many of the last Mutiny acts have increased it to thirty hundred. It is supposed, however, that this has been owing to a mistake, and ought, if so, to be rectified.

WINE.

W I N E.

NO wine (except of the growth of Tuscany, Turkey, or the Levant) shall be imported either in flasks, bottles, or vessels, containing less than twenty-five gallons; on pain of forfeiting the same or the value thereof: half to the King, and half to him that sues or shall seize, by the laws of Excise, or in the Courts at Westminster. 7 *Geo. II. Stat. 2. c. 17. f. 7, 8.*

No wines of the growth of Spain or Portugal, nor any French wines, shall be imported in any less vessel than a hoghead, on pain of forfeiting the same; half to the King, and half to the Officer who shall seize and prosecute. 18 *Geo. III. c. 27.*

No wine shall be brought from France, but in English shipping, on pain of forfeiting the same. 5 *Eliz. c. 5. f. 11.* And the Justices in their Sessions may determine offences against this act by indictment or information. *f. 30.*

By 9 *Ann. c. 23.* it is directed, that a wine licence shall be upon a four shilling stamp. And by 30 *Geo. II. c. 19.* a further duty is laid thereon of five pounds, for persons who have neither an ale nor a brandy licence. And a duty of four pounds, for persons who have an ale licence, but no brandy licence; and forty shillings for persons who have both ale and brandy licences.

No person, unless properly authorized, in the

manner hereafter expressed, shall sell or utter, by the pint, quart, pottle, or gallon, or by any other greater or less retail measure, or in bottles, any kind of wine, or liquor called by that name, in less quantities than the same shall have been imported in, on pain of forfeiting 100*l.* half to the King, and half to the informer, to be recovered in the same manner as penalties incurred for offences against the Stamp-acts. The penalties may, however, be mitigated by the Commissioners of the said duties, as they shall think fit; the reasonable costs and charges, being allowed to the Officers and informers, besides the mitigation. 32 *Geo. II. c. 19. s. 1, 2.*

The said licences shall be granted by two or more Commissioners of the Stamp Duties, and no other persons, under their hands and seals to such persons only as they shall think proper to sell wine by retail. And the licence shall be for one year, from the time it was granted. *Id. s. 3.*

If a change should take place among the Commissioners, and new ones appointed, the licences granted by the old ones shall be good. *Id. s. 4.*

Persons who intend to continue selling wine shall take out a fresh licence, ten days before the expiration of the old one, and in the same manner renew them from year to year. *Id. s. 5.*

Persons who do not reside within the bills of mortality may obtain licences, on payment of the duty. *Id. s. 6.*

The above act provides, that none of these regulations shall be prejudicial to the privileges of either of the Universities of Oxford or Cambridge. *Id. s. 9.* nor to the Company of Vintners, in London;

London ; nor to any other city or town-corporate.

No person, who is admitted to the freedom of the Vintners Company by redemption only, shall be exempted from taking a licence ; but the free-men only, who have been admitted to their freedom, or such as shall, after the 5th of July, 1757, be admitted to their freedom in right of patrimony or apprenticeship. *Id.* f. 11.

Nor does the above act extend to the Mayor and Burgeffes of St. Alban's, for appointing and licensing, by virtue of their Charter, three wine taverns for the maintenance of the free school there. *Id.* f. 12.

A licence will serve for no other place than that for which it was granted.

Retailers of wine are to have the word WINE written or painted in plain letters, either on a sign, or at some public part of their house, on or near the door of the front of their house, or other place where such wine is sold, to shew that they deal in wine, and are obliged to take out a licence ; and whoever sells wine by retail, without having the word WINE so written or painted, shall forfeit 10*l.* to be recovered in the same way as the penalty for selling without licence : which penalty, however, may be mitigated in the same manner.

3 *Geo.* II. c. 19. f. 3, 4.

The above act extends to sweets, And no person shall, without first taking out a licence as above, sell or utter by any retail measure, or in bottles, any quantity less than 25 gallons of any sort of liquor made in Great Britain by infusion, fermentation, or otherwise, from foreign fruit or sugar, mixed with any other ingredients, called sweets

sweets or made wines; or any kind of liquor made in Great Britain, and known by the name of sweets or made wines, of whatever materials, or in whatever manner the same is made, on pain of forfeiting 100*l.*—*Id.* *f.* 7. The act does not give any power to the Commissioners to mitigate in this case as in the above.

The Lord - chancellor, Lord - treasurer, Lord-president, Lord Privy Seal, and two Justices, or any three of them, shall every year, between the 20th of November and the 31st of December, set the price of foreign wines sold in gross; and a proclamation thereof be made in term-time, in the Court of Chancery, or in the town where they shall be sold; and persons, acting contrary to such assessment, shall forfeit for every vessel 40*s.* half to the King, and half to the Mayor, if the offender resides in a town-corporate; and, if not, to him that sues. 28 *Hen.* VIII. *c.* 14. *f.* 2, 3. 37 *Hen.* VIII. *c.* 23. *f.* 2. 12 *Car.* II. *c.* 25. *f.* 13.

And the Justices of Peace and Mayors, may hear and determine Offences, and punish the offenders by imprisonment, or otherwise, at their discretion. 28 *Hen.* VIII. *c.* 14. *f.* 4.

If any person shall refuse to sell their wines at the prices limited, the Lord Mayor, Recorder, and two ancient Aldermen of London, not being Vintners; and the Mayor, Aldermen, and other head Officers elsewhere, or any two of them, of whom the Mayor or Chief Alderman shall be one; may take such liquors, and dispose of the same, they giving to the owner whatever they sell for. *Id.* *f.* 3.

Wines shall not be mixed together, nor with any other liquor, on pain of the person (if he sell by wholesale) forfeiting 100*l.* and, if he be a retailer,

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tailer, 50*l.* half to the King, and half to him that shall sue in any Court of Record. 12 *Car.* II. c. 25. *f.* 21.

231 cubical inches shall be a wine gallon, 63 gallons a hogshead, 126 gallons a butt or pipe, and 252 gallons a tun. *Id.* *f.* 17.

F I N I S.



